COURT DENIES INJUNCTION AGAINST IT.

Justice Crane's Grounds for Deciding That the Big Exchange May Order Its Members Not to Do Bus With Members of the Consolidated

Justice Crane of the Supreme Court in Brooklyn yesterday handed down a decision denying the application of Marcus Heims, a member of the Consolidated Exchange, for an injunction restraining the New York Stock Exchange from enforcing the order adopted by its governors forbidding members of the exchange dealing with members of the Consolidated on pain of eviction or suspension.

Previous to the adoption of the new rule Mr. Heims bought and sold stocks on the floor of the exchange through the firm of Albert Loeb & Co., and when he was notified by the latter to close his accounts he instituted the injunction proceedings.

Delphin M. Delmas, his counsel, in urging the merits of his application contended that the resolution of the Stock Exchange constituted a combination in restraint of trade.

Justice Crane says in regard to the claim that the adoption of the resolution constituted a restraint on trade, that the chief question which arises is whether or not the members of the New York Stock Exchange can unite and agree not to do business with the plaintiff while he is a member of a rival asociation. The

It would be illegal for them to agree not ony particular club, church or political organization, for this would be a clear interference with his liberty and a direct attack upon him, but can they base their

nent? I think they can.
The distinction which the decided cases make is that if the combination not to do business with the plaintiff is for the purpose of injuring and destroying him it is illegal, but if the injury to him follows as an incident from action sought to protect, increase and strengthen the business of the associates, then it is as legitimate as other forms of combination which the law leaves parties and combinations free to indulge in.

The plaintiff is not driven out of the stock

and bond business—he simply cannot en-joy one privilege openly and the other He can buy and sell freely of the Stock Exchange members upon ceasing active work for its rival or he can confine his activities to the Consolidated Exchange, of

which he is a member. The only condition which the above resolution of the Stock Exchange places upon him is that he shall not continue indirectly to injure their business. It is

In support of this view Justice Crane cites numerous decisions of the courts on matters in which a similar question was at issue, one being that of the American Live Stock Company against the Chicago Live Stock Exchange in the Illinois courts. The law laid down in this case, Justice Crane says, has since been resterated. The decision continues:

But supposing for a moment that the resolution of the Stock Exchange is illegal as being in restraint of trade, as is claimed by the plaintiff, yet the plaintiff, a non-member, could not enjoin its enforcement.

The members might disregard it and continue doing business with the plaintiff, and if any action was attempted to suspend or expel them then they might seek equitable relief, but strangers have not this right, but must seek damages at law.

In reference to the case presented by the plaintiff in support of the application Justice Crane says that they are either actions under the Federal anti-trust law or else involve contracts and agreements. common use. The Justice further says:

It may be that the plaintiff and his associates will suffer some financial loss from this action of the Stock Exchange, but business is made up of gains and losses. Competition means selection, not inclusion, and while there is always a wide opportunity for fairness and magnanimity, the courts interfere only when competition becomes combined force seeking another's injury or ruin. Legislation in some of the States pe taining to combination or association for trade or business is much broader than here but I do not consider our law, Chapter 690 of the Laws of 1899, applicable to this case For the reasons expressed I shall deny an injunction.

On May 20 last the governing committee of the New York Stock Exchange adopted

On May 20 last the governing committee of the New York Stock Exchange adopted a resolution prohibiting any business intercourse between its members and members of the Consolidated Exchange. It was set forth that relations between the members of the two exchanges were detrimental to the interests of the larger board, and that any member of the New York Stock Exchange who in future should have such relations would commit an act contrary to the interests of his associates. The wording amounted to a threat of suspension or expulsion.

The resolution was aimed at Consolidated Stock Exchange houses who undertook to negotiate orders for their customers on the floor of the New York Stock Exchange through correspondents, thus securing for themselves a virtual connection with the greater board. The cutting off of such relationships was found to be a severe blow at the business of certain Consolidated Exchange brokers, and a month ago Justice Crane was petitioned to make permanent an injunction restraining the New York Stock Exchange from acting according to its resolution, on the ground that it constituted a combination in restraint of trade. The petitioner was Marcus Heim, a member of the little board, who said that he had done business on the Stock Exchange through Albert Loeb & Co., and that the inhibition had cost him thousands of dollars.

Nantucket Central Company Ordered Sold. Boston, Sept. 4.-Judge Lowell in the United States Circuit Court to-day entered a foreclosure decree in the case of the Windsor Trust Company of New York against the Nantucket Central Railroad Company under which the property of the company will be sold by Receiver Dodge at a time to be fixed later.

The railroad has ten days from the decree to pay up its indebtedness. The bill was brought because of a default in the payment of interest on bonds.

Pire Routs Hotel Guests.

Ogdensburg, N. Y., Sept. 4.—The Ewing Minds Hotel at this place caught fire this morning Surand burned in spite of all efforts made to Gall. save the building. The guests got out in their night clothes. It is believed that all escaped safely.

The loss on the building and on personal belongings of the guests is considerable.

By Marconi Wireless.

Sa Minnehaba, for New York, was 716 miles east of Sandy Hook at 16 A. M. yesterday.

Sa Furnessia, for New York, was 773 miles east of Sandy Hook at 10.45 A. M.

Sa Baltio, for New York, was 373 miles east of Sandy Hook at 415 A. M.

Sa Rotterdam, for New York, was 363 miles east of Sandy Hook at 515 A. M.

Sa Lapiand, for New York, was 333 miles east of Sandy Hook at 615 P. M.

St Lapiand, for New York, was 333 miles east of Sandy Hook ilightship at 4 P. M.

City of Savannah.

STOCK EXCHANGE RULE HOLDS EMPLOYERS LIABILITY ACT. FINANCIAL AND COMMERCIAL. MAXWELL DEFENDS FIGURES Points Raised Against Its Constitution ality in an Eric Damage Suit.

NEWBURGH, Sept. 4 .- In a big damage suit against the Erie railway company here to-day before Justice Tompkins of the inaction here, was quiet. The mathe Supreme Court a Middletown lawyer Jority of the American stocks at the close of the name of Watts raised the point on arguing a demurrer to the complaint that the employers' liability act passed by Congress is unconstitutional. Undge

cision later The case is that of the widow of Charles Roberty, who was an Erie brakeman, and on January 16 this year was killed at Greycourt, Orange county, while switching, his body being cut in two. The damages sought to be recovered are \$40,000, plaintiff alleging negligence on the part of the company. The demurrer is against a section of the complaint, which reads that "at all times herein-after mentioned, defendant, being a domestic corporation and a common carrier by railroad, was engaged in common merce between the States of New York and New Jersey and other States. If Judge Tompkins holds the same opinion as the lawyer as to this section the case will be thrown out of court. The points made are as follows:

First-Under no circumstances and to servant be within the grant of authority to Congress to regulate commerce.

Second—Congress has no power under
Article I, Section 8 of the United States

Constitution, to pass said set.

Third—The act is not in any sense a regulation of commerce among the several

States. Fourth-The act does not prescribe an It would be illegal for them to agree not to transact any business with him at all of the master which is in furtherance of interstate commerce or the protection of like him or his business, and it would be illegal for them to combine not to buy or sell for him while he was a member of servant, defining the liability of the former any particular club shares.

to the latter. Fifth-The act has no substantial or non-intercourse resolve upon the ground that the plaintiff belongs to and is actually engaged in building up a rival to the

state employee.
Sixth—By the provisions of the act the defendant would be made liable for any injury caused solely by the negligence of an interstate employee.

Seventh—The act violates the true intent and meaning of the Fifth Amendment to

and meaning of the Fifth Amendment to the United States Constitution. Eighth—The act discriminates against the rights of defendant, denies to it the equal protection of the law, is partial in its operation and is not founded upon reason-able or just classification. Ninth-The act is not limited in its opera-

tion to such classes of employees as might rightfully be embraced within its terms.

DISPUTES BIG LAWYERS BILL Glass Company Balks at Paying \$26,000 for Getting Damages of \$80,000.

Chief Justice Gummere in Newark yesterday, on application of the More-Jones Glass Company of Bridgeton, N J., granted a rule to show cause why writ of mandamus should not be issued compelling the law firm of Hampton Fithian of Bridgeton to give an account ing of a judgment for \$80,000 which the lawyers recently obtained for the glas company against the West Jersey and

company against the West Jersey and Seashore Railroad Company.

The glass company's plant was destroyed by a fire some time ago said to have been started by a spark from one of the railroad company's locomotives. The glass company engaged the law firm to bring suit and the damages were collected. In the final settlement the lawyers withheld \$26,666 for services rendered. The glass company claims that the amount is excessive and has asked for an accounting. The lawyers say that it was agreed that they were to get one third of the amount collected.

The rule is returnable at the opening of the next Supreme Court in Trenton.

Promised Land Injunction Denied.

Justice Crane of the Supreme Cour the direct purpose of which was to control in Brooklyn yesterday denied the a prices and create monopoly in articles in plication of the Gardiners Bay Company for an injunction to stop the operation for an injunction to stop the operations of the Atlantic Fertilizer and Oil Company at Promised Land, Gardiners Bay. It was alleged that the gas and fumes constituted a nuisance and depreciated the value of the adjacent property. Justice Crane says that the affidavits submitted are so conflicting that he cannot grant the injunction.

MARINE INTELLIGENCE.

MINIATURE ALMANAC TRIS DAY. Sun rises....5:26 Sun sets......6:24 Moon rises...9:35 HIGH WATER THIS DAY. Sandy H'k.11:24 Gov.Island.11:35 Hell Gate...1:49

Arrived-SATURDAY, September 4 Arrived—Saturdat, Septembers St. Paul. Southampton, Aug. 25. Se Baitic, Liverpool, Aug. 25. Se Baitic, Liverpool, Aug. 26. Se Buffaio, Hamburg, Aug. 22. Se Advance, Cristobai, Aug. 28. Se Romsdal, Baracoa, Aug. 29. Se Merida, Havana, Aug. 31. Se Prins Maurits. Hayti, Aug. 29. Se Ligonier, Port Arthur, Aug. 27. Se El Sigio, Galveston, Aug. 39. Se Mohawk, Jacksonville, Sept. 1. Se Nucces, Tampa, Aug. 31. Se Jefferson, Norfolk, Sept. 3. Se Manna Hata, Baltimore, Sept. 2.

ARRIVED OUT.

Ss Caronia, at Liverpool from New York. Ss Bluecher, at Hamburg from New York. Ss Friedrich der Grosse, at Cherbourg from New York. SAILED FROM FOREIGN FORTS.

Sa New York, for New York from Southampton
Sa Mauretania, for New York from Liverpool.
Sa Prinz Friedrich Wilhelm, for New York from Bremen.

Sa Vaderland, for New York from Antwerp.

Sa Ryndam, for New York from Rotterdam.

Sa Minneapolis, for New York from London.

Sa La Savole, for New York from Glasgow.

Sa Caledonia, for New York from Glasgow.

Sa Arable, for New York from Liverpool.

	Ss Arabic, for New York from Liverp	001.
í	OUTGOING STRAMBUIPS.	
	Sall To-morrow.	
:	Matis	Vesse
1	Close.	Sas
	Saramacca, Paramaribo 11 00 A M. Hamilton, Norfolk	1 00 P
t	Sail, Tuesday, September 7.	
	Kronprinz Wilhelm, Br'mn 6 30 A M	10 00 A
,	Noordam, Rotterdam	9 00 A
	Mendoza, Naples	
	Mohawk, Jacksonville	1 00 P
1	City of Columbus, Savannah	3 00 P
G	Sall Wednesday, September &	
	Lusitania, Liverpool 5 30 A M	10 00 A
	Teutonic, Southampton 600 A M	9 30 A
	Korona, Barbados 11 30 A M	2 00 P
•	Alleghany, Hayti 9 00 A M	11 00 A
	Bermudian, Bermuda 900 A M	11 00 A
i	Boniface, Para 12 00 M	3 00 P
_	President Grant, Hamburg.	3 00 P
ð	Comanche, Jacksonville	12 00 M
	Concho, Galveston	12 00 M
	Nueces, Tampa	12 00 M
ı	- Control of the Cont	
ľ	INCOMING STRAMSHIPS.	
	Due To-day.	

Hilliand's Lane	9 00 L W
esident Grant, Hamburg	
maguey, Santiago	12 00 M
manche, Jacksonville	100 PM
ncho, Galveston	12 00 M
eces, Tampa	12 00 M
eccs, rampa	4 . 12 to M

INCOMING STRAMSHI	PR.
Due To-day.	
llenesPara	Aug 29
Grande	
pland Antwers	a
pland Antwerp	Aug. 28
terdam Rotterda	mAug. 28
Italre Barbados	Aug. 30
gurançaSantiago	
mancheJacksonv	ille Sept. 2
Due To-morrow.	
rnessia	
ilig Olav Christian	sand Aug. 28
nnehahaLondon.	
racas San Juar	Sept. 1
riname Trinidad	Aug 30
IllaSt. Miche	tels Aug 30
enos Aires Havana.	Sent 1
rmudian Bermuda	Best. 1
V. Luckenbach Porto Ri	co Sept. 1
yamo	cogept. 1
yamo	
nce San Juan	
ncho	n Aug. 31
Dia	1
teus New Orle	ans Sept. 1
Due Tuesday, Septemb	
rmania Tivernool	Ana 91

Bremen
Palermo
Antwerp
Havana
Kingston
Progreso
Galveston
Savannah

SATURDAY, September 4. All the markets in New York were closed to-day in anticipation of Labor Day. The London market, reflecting the inaction here, was quiet. The maof trading stood approximately at the level of the New York market on Friday New York Central in comparison with closing prices on Friday here was up Tompkins was impressed and said the half a point, standing at the equivalent ception of Union Pacific preferred, which authorities have not taken adequate was down half a point, and United States Steel preferred, which was up three-quarters. Illinois Central was off threedown a full point. Amalgamated Copper strengthened a point, closing at the equivalent of 85 Canadian Pacific, which answers stood almost at Friday's quotation in London, showed three and three-eighths points above the New York closing price on the day before. The rest of the stocks held closely by the reading of New York's market on Friday.

Uneasiness in Paris reacted on the Figlish securities and consols and Kaffirs suffered. Support at the close of the market, however, somewhat counteracted the weak opening. Closing prices on consols were an eighth lower at 83 15-16 for money and 84 for account. Three per cent. French rentes closed 21/2 centimes lower, at 98 francs 121/2 cen-

In Berlin prices on the Poerse wer firm. American rails were a trifle higher. London closing prices with New York equivalent compare as follows with the close in New York on Friday:

	London.	N. Y.	N
	Sept. 4.	equir.	Clo
Amaigamated Copper		85	8
Atchison		120	12
Atchison pf		10415	10
Baltimore & Ohlo		11812	11
Canadian Pacific		18576	18
Chesapeake & Ohio		8214	- 8
Chicago Great Western		1136	1
Chicago, Milwaukee & St		15816	15
Denver & Rio Grande		481	. 4
Denver & Rio Grande pf.		86%	8
Erie	363	3594	3
Erie ist pf	35	3312	5
Brie 2d pf		4254	
Illinois Central		155	15
Louisville & Nashville	157	15214	15
Missouri, Kansas & Texas		4316	4
New York Central		13946	13
Northern & Western	97	9446	9
Ontario & Western	49%	4854	4
Pennsylvania	. 7276	14196	14
Reading		16115	16
Southern Pacific	13314	12913	12
Southern Rallway	3184	307	3
Southern Rallway pf	73	71	7
Union Pacific	208	20246	20
Union Pacific pf	100	10614	. 100
United States Steel	8244	801.6	- 84
United States Steel pf	13115	12776	12
Wabash.	2112	21	2
Wabash pf	55	5312	5

NEW YORK BANK STOCKS.

	Bid.	Asced.	Bid.	Asked
K	America 575	285	Liberty 530	560
-	Am Ex 250	255	Lincoln 420	435
2	Ætna N Bk183	-	Manhat Co335	345
ì	Battery Park,130	-	Metropolitan18714	195
	Bowery 373	***	Mkt & Ful 253	263
	But & Dr 140	150	Mechanics 232	260
æ	Broux Bor Bk 300		Mercantile190	195
t-	Bryant Park.135	165	Merchants162	-
10	Century 170	175	Merch Ex 160	-
38	Chase303	-	Metropolis375	
d	Chatham 295	205	Mt Morris 250	-
-	Cheisea Ex 300		Mutual220	310
	Chemical,425	-	Nat Reserve, 135	1421
0	Ots Con Nat157	4 16214	New Neth 300	210
	City	4 39214	Nassau213	
8.	Coal & Iron 140	. 15)	Nat Cop 265	-
n	Commerce185	189	Night & Day 223	250
-	Colonial303	-	19th Ward	421
-	Columbia373	425	NYNBA 325	335
-	Corn Ex333	340	N Y County 733	-
t	East River125	135	Northn Nat113	-
d	Fidelity 165	175	Pacific	240
y	First Nat 830	643	Park455	465
t	Fifth Nat 300	350	Peoples,280	293
	Fifth Ave4000	-	Phen!x 173	185
g	Fourth Nat23)	-	Plaza	625
	14th 3t153	175	Prod Exch 17214	1121
	Gallatin 340	350	Seaboard 355	375
	Garfield290	300	Second 373	-
	Ger Am140	-	Sherman 135	-
t	Ger Exch 450	-	State330	
-	Germania 530	-	23d Ward100	-
7	Greenwich 251	280	12th Ward	190
	Hanover 556	***	Union Ex 18714	195
	Imp & Trad 550		Washg ton Hs 270	-
	Irv Nat Ex 195	-	West Side 50)	-
	Jefferson180	-	Yorkville, 42)	-
1		-		

GUARANTEED STOCKS.

Bid. Asked.	Bid. Asked.
Alb & Susq275 320	LILSNEACHS -
Alb & Vermt. 72 77	LAM R pt165 175
Alle & West1.3 148	Man C KM pr 102 110
	Man & Law250 -
Aug & Sav110 115	Manhattan(43 149 Massawip V.,133 142
AvonG&MtM 65 75	M Hill S & H 12) 128
Beech Creek . # 102	Mob & B pt. 7 15
Rick Nt & FF. 13 25	M&Ostk tets 5
Bost & Alb230 230	Morris C & H 61 -
Bost & Low Zed Zed	M C & B pf 17) 185
Bost & Prop. 293 305	Mor & Essex.183 186
B & 7th Av140 100	Mor & Es Ex. 133 104
But A Sus of 60	Nash & Deca 184 119
Cam & BurCol41 154	Nash & Low 213 — N Lon Nor(9) 230
Can South 67 72	NY &H e & p291 310
Cataw 1st pf.11) 121	NYB& MB pf. 100 110
Cataw 2d pf!!) 121	NY L & W 125 129
Cayuga &Sus224 230	N Y Mut Tel 100 -
Cent Cr'twn., 90 130	1 ATTRICA AVE 140 100
Ct Pk N&ER. 30 60	NOT Carolina Int 17.1
Ch'chee & G 101 112	North (N H) 133 -
Chris & 10th 9 75 . 98	North (N J) 55. 94
CAEITefs 45 70	North Penn . 1 . 15 North Tel . 100 112 Nor & W pf . 200
CARITESTANE 113 124	Nor A W et 105 112
Cari Tetfapf 113 124 Cin S & C pf. 13) 140	Old Colony185 200
Clearfid & M.13)	Oswego & Sy221 231
Cleve & Pitts174 178	Pac & At Tel Al
C& P Spilles (0) 103	PAL & Hud D ton ave
Col & Xenia201 207	Pat & Ram (4) 20
Conc & Mont 170 -	
Conc & Ports170 -	PEOPLE & B VIN 191
O & Pas R pf.135 145	FR Ger & N 201
Conn Ry & Lt74 78	Pitts B & L B L8 74
ConRy Ltpf. 8) 85	P B & L P. pf 140 150 P Ft W & C. 173 177
ConTCoofNJ. 75 80	
Dayton&Mch 60 -	
Day&Mch pf.1 -7 193	
Del & Br Brk 193 202	
Det Hills & S 93 102	Hoch & G V. 1 5
East Ponn135 -	
Eighth Av225 300	
Eimira & W 95 110	Rut & White.143
Eim & W pf130 140 Erie & Kalm .225 245	Ser & Schen. 161 -
Erie & Pitts152 160	Second Ave. 13 25 Sharon ny(2) 130
Fitch pf120 134	Sixth Ave 105 130
Pt W & J pt 135 142	South & AT A Q1
Fitch pf120 134 Pt W & J pf. 135 142 42dSt & GSF 220 270	SOULDWORGA 110 115
Franklin Tel. 35 45	
Ga Ry & Bk 200 2 1)	St L B 2d pf At At
Gld & Stk T105 111 Grand R Val.123 128	DIJO & NO H AS
Grand R Val.123 128	St J & S B pf 103 113
Grn R (NY) 145	Troy & G R A . 171 Tun of St L 121 135
Hereford 85 93	28d Street 231 250
Ill C L Line 98 102	UNJ RR & C.250 251

Live Stock Market. Receipts of beeves were \$25 head, all of which were for city slaughterers. No trading of importance. A few buils and cows that arrived late yesterday sold to day at steady prices. Dressed beef had a light inquiry, but prices were full steady at yesterday's quotations. Liverpool and London cables received to day quoted live cattle higher at 124,@14;c. per ib. dressed weight, sinking the offal; refrigerator beef unchanged at 104,@1034c. per ib. Exports to day from this port were \$35 beeves and 5,366 quarters of beef.

from this port were 355 beeves and 5,386 quarters of beef.

Receipts of caives were 645 head, of which 635 were for butchers and 10 for the market. Trade was limited for ack of offerings, but prices steady, quality considered. No good stock was offered. Poor to fair veals sold at \$5,50. Dressed caives in light request at \$3,50. Dressed caives in light request at \$6,50. Dressed caives in light request at \$6,50. Dressed and 6626c. For dressed yeals; 98134c. for country dressed, and 6626c. For dressed yeals; 98134c. for country dressed, and 6626c. For dressed stassers and buttermik caives. Receipts of sheep and lambs were 3,367 head, including \$45 cars for slaughterers and 745 for the market, making, with the stale stock, 9 cars on sale. Sheep were quiet, but stready; choice and prime lambs were rated steady with no very choice offered; the under grades were slow and prices drooping; common lambs not wanted. Two cars were held over. Medium to good sheep sold at \$3,306,34,30 per 100 lbs. medium to good sheep sold at \$3,306,34,30 per 100 lbs. medium to good lambs at \$76,87,75; prime were quotable up to \$5. Dressed mutton in light demand at 76,6c. per lb. with a little choice selling up to 99,5c dressed lambs steady at 94516c. and best hog dressed Receipts of hogs were 2,315 head, including half a car for the market. Prices were steady and good meetium hogs sold at \$8,45 per 150 lbs.

SUPERINTENDENT SAYS RE-SEARCH BUREAU MISLEADS.

colares That His Critics Would Have High School Students Excluded to Make Room for Riementary Pupils-No Children of School Age Refused. William H. Maxwell, City Superintendpoints made were very important and he of 1393. Union Pacific, Southern Pacific ent of Schools, replied yesterday to state-would take the papers and render a decision later.

Friday's New York prices, with the exsearch which declared that the school

> steps to provide as many school sittings as are available. The bureau suggested that where there quarters and Erie second preferred was are thousands of vacant sittings in high down a full point. Amalgamated Copper schools they might well be used for elementary pupils. To this Dr. Maxwell The Board of Education, it is safe to say,

will not exclude any high school children portant, in the opinion of the present school authorities, that a child 15 or 16 years of age should remain in school than that a child of 6 years of age should have five instead of three and one-half hours of schooling each day. Moreover, as a matter of fact, with the exception of one elementary mentary school to which a high school annex was established in which in June last there were any pupils on part time. The one exception was Public School 143, which had seventy-three first year chil-dren on part time. One of the most satis-factory aspects of the present situation is that at a time when the high school attendance is increasing with unparalled rapidity the Board of Education has been able to utilize for high school students vacant rooms in new buildings constructed in advance of population in outlying neigh-

Concerning the bureau's information in regard to school sittings Supt. Max-

for that matter in any other grades, cannot be accommodated in the surplus of seats in the highest grade.

The State Banking Department reports the weekly condition of the State banks and trust companies in Greater New York as follows:

Take one of the cases cited by the bureau, that of Public School 188, Manhattan. According to the latest report that school Legisle. 50,053,400 Inc. had a register of 2,375 boys in 2,"09 sittings, had a register of 2,375 boys in 2, '09 sittings, showing 334 vacant sittings, while there were 204 boys on part time. These part time pupils were all in the first year grades. The 334 vacant sittings are distributed through forty-eight rooms occupied by grades above the first year. It is not pos ible to place any of these first year pupils in the vacant seats in the higher grades without putting them in an improper edu-cational grade. It is not possible at present to consolidate any two of the higher grade classes so as to leave a vacant room be cause the resulting class would be too large for one teacher. And so 204 pupils remain on part time in the lowest grade.

on part time in the lowest grade.

Supt. Maxwell charges the bureau with "suppressing a vital part of the truth" in order to make the statement that "the total number of sittings available can be and should be reported correctly and not 20,000 short, as has been the case heretofore."

He explains that in his annual report he has given the number of "regular.

he explains that in his annual report he has given the number of "regular-sittings" in elementary schools and in express terms has excluded sittings in kindergarten rooms, leased buildings and other emergency rooms. In another part of the same report, he says, he in-cluded in express terms kindergarten and emergency sittings.

and emergency sittings.
"It is only by suppressing the fact that the exclusion was expressly made that the bureau is enabled to make its statement," is Supt. Maxwell's conclusion as to the bureau's good faith. To the bureau's suggestion that preference can be and should be given to chil-

be felt is as to the effect in future years of stopping building operations in 1909.

COTTON WORKERS MAY STRIKE.

New Bedford Operatives Ask Arbitration Over 10 Per Cent. Wage Increase.

NEW BEDFORD, Mass., Sept. 4.- A letter suggesting that if the New Bedford cotton manufacturers feel that they cannot meet the demand of the operatives for a 10 per cent, increase in wages they

for a 10 per cent. increase in wages they agree to the submision of the question to arbitration was sent by Secretary John Hobin of the New Bedford Textile Council to Secretary William O. Devoll of the New Bedford Cotton Manufacturers Association to-night.

Following the receipt by the textile council last night of a letter from the manufacturers' association refusing the demand for a restoration of the 10 per cent. cut made in wages a year and a half ago the secretaries of the textile unions held a meeting to-day at which the letter which will be sent by Secretary Hobin was drafted.

The letter outlines the grounds upon which the operatives believe that wages should be restored. It then makes the arbitration suggestion, with the proviso that the board of arbitration shall be either the State board or a board composed of

that the board of a board composed of the State board or a board composed of New Bedford business men. The council requests a reply to its letter by Sep-tember 9.

While none of the manufacturers was

While none of the manufacturers was willing to discuss the situation to-day it was understood that no further action would be taken before Menday. The general feeling among those in touch with the matter is that the manufacturers will not recede from their position. In that case it is thought that a strike of the 25,000 operatives is inevitable.

GLASS CUTTERS STRIKE.

Order to Quit Work Unless New Wage Scale Is Signed Is Obeyed.

HARTFORD CITY, Ind., Sept. 4 .- The rder of President Shinn of the cutters and flatteners' organization to quit work in all the plants of the American Window Giass Company unless the wage scale was

Giass Company unless the wage scale was signed was obeyed strictly in this city, where the company operates its largest Western factory and the third largest in the United States.

The flatteners quit at midnight and the cutters spent the morning cleaning up their stalls and at noon stopped work. The workmen think that the company will meet their demands, but the fact that the manager of the concern and the boss cutter were called to the company's head-quarters at Pittsburg indicates that the company is going to put up a fight against the demand of 12 per cent. more than is paid in the human blower factories and 20 per cent. more than was paid by the company last year.

THE BANK STATEMENT.

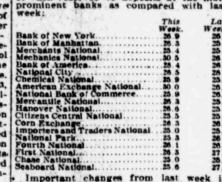
The weekly statement of averages of the associated banks compares as follows with that of last week and that of the corresponding week a year ago:

Specie..... \$286,323,400 \$292,336,600 Leg_tend... 75,725,300 77,034,300 Res. held \$353,948,700 \$369,369,900 Res. reg'd, 348,610,425 351,010,326 \$15,338,375 \$18,359,575

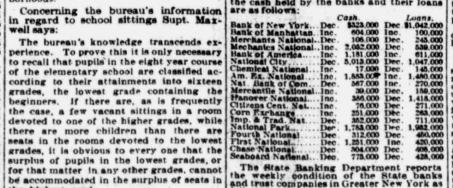
The amount of United States deposits shown in this week's statement is \$1,834,500, a decrease of \$500 since last week.

The actual condition of the Clearing House institutions at the close of the week is revealed in the following figures: This week. Last week. 1908. \$1,380,179.100 \$1,382,080,000 \$1,308,029,300 1,390,048,500 1,401,985,900 1,408,184,900 0 \$1,830,300 51,455,300 54,736,200

Tot.res..



Important changes from last week in the cash held by the banks and their loans are as follows:



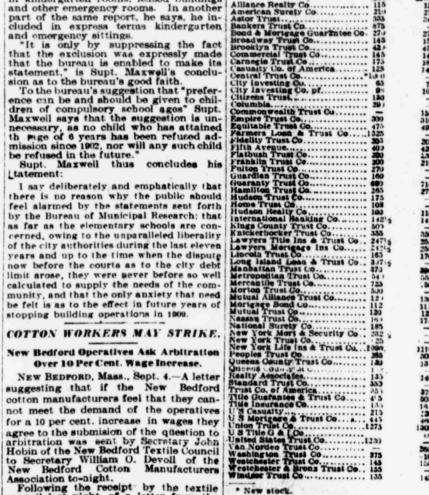
STATE BANKS.

Legals Deposits Reserve on deposits . Percentage of reserve	99,860,800	inc.	1,997,000
TRUST	OMPANIES.		
Loans and investments Specie Legals Deposits Reserve on deposits	**********	Dec. Dec	738,100 135,000 9,347,700
TRUST COMPANIE	S AND STAT	E BAN	ES.
Loans and Investm'ts.\$1 Specie. Legals. Total deposits	132,021,400 22,812,900 388,637,200 ,205,612,800 182,783,900	Dec Dec Dec Dec	\$2,324,200 1,010,200 138,800 9,633,500 4,606,100 322,500

Imports and Exports.

The imports of specie for the week were \$121,503 silver and \$140,635 gold, making total specie imports since January 1 \$10,115,800. Exports of specie were: Silver, \$1.089,806; gold, none. The exports of specie since January 1 have been: Gold, \$76,104,572; silver, \$31,536,098, a total of \$107,720,670.

TRUST COMPANY STOCKS.



· New stock.

GAS COMPANIES.

•	Bid.	Aske
1	Amer Light & Trac	214
i	Amer Light & Trac preferred	107
•	Buffalo City 5%	6
•	Buffalo City 100 Be, 1947	73
-1	Cent Un 5s. 1927	103
1	Denver Gas & Electric 135 Denver Gas & Electric 131 5a, 1949 93	140
	Denver Gas & Electric 1st 5s, 1949 95	97
8	Indianapolis Gas	25
	Madison, Wis, 1st 6s	108
	Mutual	150
-	New Amsterdam Se	103
	NY & E R 191 8	106
•	St Joseph, Mo, 1st 5s 93	97
I	Syracuse 1st 58, 1946 1014	103

RAILROAD EARNINGS.

The Central Railroad of New Jersey reports Surplus \$400,050 \$108,584 Inc. \$10,475

Husiness Troubles.

A petition in bankruptcy has been filed against Morris Punch, manufacturer of leather goods at 97 Prince street. It was alleged that he is insolvent, made preferential payments of \$5,000 and transferred merchandise and assets to the amount of merchandise and assets to the amount of \$2,500. Judge Holt appointed George F. Darrell receiver. Liabilities are reported to be more than \$10,000 and assets \$2,500 in stock and machinery. He has been in this line of business since 1895, and from March, 1909, to April, 1909, the business was under the name of the M. Punch Leather, Goods Company. In the trade it is said his embarrassment was due in a large part to losses in a theatrical venture about eighteen months ago.

A petition has been filed against Samuel Goldberg, dealer in eggs at 2403 Second avenue. Judge Holt appointed William Henleyl, Jr., receiver of the assets, which consist of a horse and wagon and some accounts aggregating \$500.

George W. Gumpert, Jr., a cierk of 475 East 140th street, has filed a petition in bankruptcy with liabilities of \$5,004 and no assets. He had a cate at 9 West Twenty-sixth street from November 20, 1908, to January 30, 1908. THE GRAIN MARKET.

theat Advanced Early, but Later De-FOR SALE: d-Local Market Closed-Scareity Influential Factor—Large Receipts Expected—Corn Market Narrow. With the local wheat market closed in

With the local wheat market closed in holiday observance there was a scarcity of influential news. Advices from the West suggested little or no essential change in conditions as compared with Friday. In most primary markets there was light trading, mostly of a small scalping character, and consequently the fluctuations were slow and unimportant.

It was evident that most traders were mbued with the holiday spirit, and therefore were disinclined to take sides. As a result there was an absence of clear cut form. Temporarily early in the day there was a firmer feeling, which was largely ascribed to reports that frost had made its appearance in Manitoba and that crop damage was feared. This created timidity among a few short sellers, but after they had covered there was little demand. Early

among a few short sellers, but after they had covered there was little demand. Early covering was partly prompted by the small receipts at winter wheat primary points and the strength in cash prices. This naturally made September contracts buoyant momentarily. Later there was more pressure to sell and a weaker feeling was soon developed. Selling was partly stimulated by predictions of heavy receipts Tuesday in Minneapolis, Duluth and Winnipeg. Then late advices from the Northwest asserted that most well posted commission men did not believe that frost had done or would do any noteworthy harm in fact it was declared that practically all the crop had been harvested. There was some gossip early about unfavorable prospects in Argentina owing to drought and locusts, but the rumors were mostly ignored.

In Chicago September was up to 99c. temporarily, but fell to 98%, where it closed. December opened at 94%, advanced to 94%, broke to 94 and closed 94%. May closed 97%, or % under Friday. Minneapolis stocks wheat increased 10,000 for one day. Chicago wired: "Slaughter has following cable advices from their correspondent at Rosario, Argentina: In the provinces of Buenos Ayres and Santa Fé rain is much wanted and the wheat crop is reported damaged by locusts; there have been heavy rains in some parts of province of Bahia Blanca, but the prospects of the wheat crop are undavorable. Local talent turned sellers 94%. They were buyers at 93%. Armour turned seller December wheat 94%; got pit crowd mixed; general trade light."

Kansas City wired: "Wheat stocks for five days increased 314,000 bush; receipts pretty heavy to-day, 207 cars."

THE CORN SITUATION.

Corn was firmer, but the variations were

days increased 314,000 bush.; receipts pretty heavy to-day, 207 cars."

THE CORN SITUATION.

Corn was firmer, but the variations were slow in the main and confined generally to a narrow compass. Most traders were inclined to move cautiously and keep "evened up" over the holidays. Consequently the volume of business was small. Advices from country points respecting crop damage were so vague and conflicting that small traders were nervous. Hence there was some anxiety to cover. This was partly ascribed to the limited supply of contract grades in most markets, and then, too, there was fear that frost might arrive during the holiday interval. As a result December in Chicago opened 1/2 higher, or 57%, advanced to 57% and closed at 57%c. May was 1/2 higher, closing at 58/50.

Inglis wired from Council Bluffs, la.:

"Columbus to Norfolk and southeast to Omaha all northern counties corn good, good color, abundance of moisture. Weather good."

Cowgill, Omaha, wired: "I think Nebraska will raise about as much corn as last branch and the prasks will raise about as much corn as last branch and the prasks will raise about as much corn as last branch and the prasks will raise about as much corn as last branch and the prasks will raise about as much corn as last branch and the prasks will raise about as much corn as last branch and the prasks will raise about as much corn as last branch and the prasks will raise about as much corn as last branch and the prasks will raise about as much corn as last branch and the prasks will raise about as much corn as last branch and the prasks will raise about as much corn as last branch and the prasks will raise about as much corn as last branch and the prasks will raise about as much corn as last branch and the prasks will raise about as much corn as last branch and the prasks will raise about as much corn as last branch and the prasks will raise about as much corn as last branch and the prasks will raise about as much corn as last branch and the prasks and the prasks and the prasks and th

good."
Cowgill, Omaha, wired: "I think Ne-braska will raise about as much corn as last year. Westbrook thinks 160,000,000. Gov-ernment gave Nebraska 203,000,000 last

year. Westbrook thinks 160,000,000. Government gave Nebraska 205,000,000 last year.

John Inglis writes from Columbus, Neb., September 2: "Must admit that there is much poor corn through Nebraska, as there are spots and streaks badly burned and occasional fields full of stacks without ears, but there are also large areas of good corn running from 25 to 50 bush. Eliminating worthless areas, so far as I have seen look for Nebraska to raise as much corn as last year probably will exceed it. From Grand Island to Columbus corn is much better on the bottoms; a year ago they were almost failure. Color is good, and some of it will take two weeks to mature.

Very little wheat threshed in this territory. There is much more old corn in farmers' hands than a year ago. Heavy rain last night; still cloudy."

THE GATS FRATUERS.

Oats were dull but strongly supported.

Oats were dull but strongly supported, mainly in sympathy with corn. Speculative interest was devoid of spirit and consequently fluctuations were narrow as a rule. Greater firmness was created by reports that country elevator men and shippers were inclined to cover short sales, partly because of the better cash demand lately and partly because they imagine that the appreciable damage to corn will make it necessary to use more oats. Country necessary to use more oats. Countr houses were buying December and Ma in Chicago. Armour sold September in moderate way.

CHICAGO CAR LOTS. 211 Chicago wired: "Oat "Oats are higher in ing of September by Rosenbaum and buy-ing by country and commission houses."

To Study Foreign Public Service Problems Glenn Marston, representing the Elec trical World, the American Gas Light Journal and other publications of similar nature, sailed yesterday by the Anchor liner Columbia to investigate the rela-tions between public service companies and the public in Scotland, England and the Continent. [Mr. Marston has been en-gaged in the same sort of work here.

IF INTERESTED IN CALIFORNIA Bulletin of Bow Ridge Development Co 26 Broad St., Boston

PUBLIC NOTICES.

WHEREAS Louis F. Haffen was on or about the 28th day of August, 1909, removed from the office of President of the Borough of The Bronx of the City of New York by Charles E. Hughes, Governor of the State of New York, as appears by his order or certificate filed in the office of the Secretary of State of New York on the 30th day of August, 1809, wheteby a vacancy exists in the said office of President of the Borough of The Bronx; and
Whereas the following named persons are all members of the Board of Aldermen then in office representing said Borough;
James W. Brown. Arthur H. Murphy. Thomas J. Muiligán. Edward V. Handy, William P. Corbett, Frederick C. Hochdorffer, John J. Hickey. Matthew J. Crowley.
NOW, THEREFORE, I. Patrick F. McGowan, Acting Mayor of the City of New York, pursuant to Sections 22 and 382 of the Greater New York charter and the powers vested in me by law, do chereby call the said members of the Board of Aldermen in session on the 7th day of September. 1809, at 2 o dock in the afternoon, in the Chamber of the Borough of The Bronx of the City of New York, for an election of a President of the Borough of The Bronx of the City of New York, for an election of a President of the Myork, Pursuant to the Borough of The Bronx of the City of New York, for an election of a President of the Borough of The Bronx of the City of New York, for an election of a President of the Myork, for an election of a President of the Borough of The Bronx of the City of New York, to fill the vacancy caused by the removal of sald Louis F. Haffen and for the unexpired term, which will end Decoember 31, 1809.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at the City Hall in the City of New York on this 1st day of September, One thousand nine hundred and nine. (Signed) P. F. McGOWAN, Acting Mayor.

150 Western Pacific Ry. 200 Royal Baking Powder, Pfd. 200 Central Colo. Power, Com. & Pfd. 50 Woodward Iron 100 Maxwell-Briscoe, Pfd. 100 Internat. Time Recdg., Pfd. 50 National Water, Com. 125 Louisville Lighting 108 Pere Marquette, Com. J.K.Rice, Jr.&Co.

WANTED: FOR SALE: Oil Fields of Mexico Co. Stock. United Elec. of N. J. 48. S. H. P. PELL & CO.,

Members New York Stock Exchange.

Dealers in Unlisted and Inactive Securities.

Cel. 7865-6-7-8-9 Hanover. 43 Exchange Pl., N. Y. Write for our leaflet giving valuable comparative data on all of the listed

COBALT STOCKS. Warren, Gzowski & Co. MEMBERS TORONTO STOCK EXCHANGE

N interesting booklet published b A J. FRANK HOWELL,

34 New St., New York City devoted to Wall Street in general. Is extremely interesting, full of sound deductions and timely axioms which interest both the investor and speculator. A valuable addition to Wall Street literature.—Detroit Free Press. REE ON APPLICATION

H.M. BYLLESBY & Co. ENGINEERS EXAMINATIONS & REPORTS AMERICAN TRUST BLDG., CHICAGO Oklahoma City. Okla. Mobile, Ala. San Diege, Gal.

Irrigation.

The product of an irrigated fruit ranch of 500 acres has returned the owner over \$75,000 a year for the past four years, and he is now selling his land at \$1,000 an acre. We have under option and are forming a syndicate on a ground floor plan to take uple,000 acres of adjacent land, all subject to artesian irrigation. No subscription will be considered for less than \$10,000. Address IRRIGATION, box 112 Sun office.

ELECTIONS AND MEETINGS.

THE AMERICAN AGRICULTURAL THE AMERICAL COM PANY.

Notice is hereby given that the Annual Meeting of this Company will be held at the office of this Company. S Garfield Block, in the City of New London, Conn., on the 16th day of September, 1990, at 20 clock P. M., for the purpose of electing a Board of Directors for the ensuing year, and for such other business as may be brought before the Meeting.

The Transfer Books of both the Preterred and Common Stock will close at 30 clock on Tuesday. September 7th, 1999, and remain closed until 10 o'clock A. M. on Tuesday. September 2ts, 1993.

HORACE BOWKER, Secretary.

New York, August 25th, 1909.

DIVIDENDS AND INTEREST.

The British Gulana Gold Concessions Co., Ltd.
Mills Building, 15 Broad Street.
New York, August 28, 1909.
At a meeting of the Board of Directors, held today, a quarterly dividend of One and Threequarters Per Cent. (11, 25) on the outstanding
PHEFERERD STOCK of this Company was declared, payable September 22d. 1909, to stockholders of record at the closing of the Transfer
Books of the Preferred Stock at 3 o'clock P. M. on
September 13th, 1909.
Transfer Books will reopen September 23d, 1909.
C. V. R. COGSWELL, Treasurer.

PROPOSA TO

SEALED BIDS will be received by the Board of Water Supply, in Room 910, until 11 A. M. September 22, 1909, for CONTRACT 39, for furnishing and installing two 12,500,000 gailon steam turbo-turbine pumps, two 225 horse-power water-tube boilers and all accessories at Jerome avenue pumping station. Borough of The Bronz, New York City.

York City.

At the above place and time bids will be publicly opened and read. Pamphlets containing information can be obtained at from 1810 by depositing \$5 for each pamphlet.

JOHN A. BENSEL, President: CHARLES N. CHADWICK, CHARLES A. SHAW,

COmmissioners of the Board of Water Supply.

J. WALDO SMITH, Chief Engineer.

THOMAS HASSETT, Secretary.

SFALED PROPOSALS, in triplicate, will be received at office of Commissioner of Jungi-gration Pills Island, N. Y. H., until 230 P. M., September 14, 1909, and opened immediately thereafter, for all labor and materials required for proposed alterations on second floor, Main Building, Ellis Island, N. Y. H. Particulars as to limitations and conditions governing bidders may be obtained from WILLIAM WILLIAMS Commissioner.

HELP WANTED-FEMALE.

AN excellent business opportunity is offered by an old established fashion house to an ambitious young woman about 25 years of age, of good education and with some knowledge of dressmaking. Apply by letter, giving complete particulars of experience, education, &c., to H. G. M., Station V. N. Y. Post Office.

A YOUNG WOMAN, 36 bust, wanted as a mode in fitting department. Call at the Butterlok Building, corner Spring and Macdougal streets Tuesday. September 7, at 9 A. M.

CITY REAL ESTATE BOROUGH OF BROOKLYN-FOR SALE. BOROUGH OF BROOKLYN-FOR SALE.

************************************ THE BISHOP HOUSES

IN BROOKLYN'S MOST BEAUTIFUL SECTION. PROSPECT PARK EAST

This property is covered by the highest private house restriction, adjoins beautiful Prospect Park, and its streets are under the Park Department's care. Prospect Park Station, Brighton Beach "L." and Flatbush Av. Trolley within two blocks.

Our present operations include two types of houses, three story, no basement, and two story, no basement.

The Three Story No Basement Houses ON MIDWOOD STREET, NEAR FLATBUSH AV ..

Represent the high water mark of private house building. They contain every known innovation which might add to their beauty or usefulness. Nothing but the finest of materials enter into their construction. And it is all assembled in the Bishop way, according to exclusive designs which we have originated. Each house has twelve rooms, three bathrooms, cold storage room, two story extension, with back stairs; hard wood trimmed throughout, hot water heating; parquet floors; porcelain plumbing, &c. In fact these houses contain many improvements over those we built last year on Fifth st., and which proved so popular, (Decorations by Calimander.)

The Two Story No Basement Houses

ON MAPLE STREET, NEAR BEDFORD AVENUE, Differ only in size from the 3 story houses—Construction, material and design are of the same high quality.

They contain ten rooms, besides two bathrooms and two elaborate dressing rooms, seventeen closets, cold storage room, and only one flight of stairs for the tired housekeeper to climb. Hard wood trim throughout, parquet floors, porcelain plumbing, &c. (Decorations by Calimander.)

Write for our new booklet, "The Jewel and Its Setting."

E. H. BISHOP & SON, Builders ON PREMISES, OR 20 HALSEY ST., BROOKLYN, N. Y.